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School District

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

E.M. a minor, by and through his parents E.M.  
and E.M.,

Plaintiff,

vs.

PAJARO VALLEY UNIFIED SCHOOL  
DISTRICT, OFFICE OF ADMINISTRATIVE  
HEARINGS, AND CALIFORNIA  
DEPARTMENT OF EDUCATION,

Defendants.

CASE NO. C -06-04694 JF

**STIPULATED REQUEST FOR ORDER  
CHANGING TIME; [PROPOSED]  
ORDER**

[Civil Local Rules 6-2; 7-12]

Pursuant to United States District Court Northern District Civil Local Rules 6-2 and 7-12, plaintiff E.M. ("Plaintiff") and defendant PAJARO VALLEY UNIFIED SCHOOL DISTRICT ("District") (hereafter collectively referred to as "the parties") submit this stipulation to request an order changing the time of hearing for Plaintiff's Motion to Supplement the Administrative Record ("Motion") in this matter as follows:

WHEREAS, Plaintiff filed his Complaint in this matter on August 2, 2006;

WHEREAS, on December 15, 2006, Plaintiff filed his First Amended Complaint;

WHEREAS, on January 4, 2007, Defendant District filed its Answer to Plaintiff's First Amended Complaint.

1 WHEREAS, on July 20, 2007, the parties appeared before the Court for a further case  
2 management conference, at which time the Court directed the parties to schedule a mediation in  
3 this matter;

4 WHEREAS, on July 31, 2007, the parties held a telephone conference with the mediator,  
5 Daniel Bowling and agreed that mediation would be most productive after Plaintiff had moved to  
6 supplement the administrative record in this case;

7 WHEREAS, on October 19, 2007, the parties appeared at a further Case Management  
8 Conference and requested that the Court set a hearing for Plaintiff's Motion, which it did for  
9 February 8, 2008;

10 WHEREAS, Plaintiff's counsel has advised Defendant's counsel in a teleconference the  
11 nature of the supplemental evidence which would be the subject of Plaintiff's Motion;

12 WHEREAS, with this disclosure in mind, the parties have agreed to schedule a mediation  
13 to explore the possibility of settlement in this case;

14 WHEREAS, the parties requested a teleconference with Mr. Bowling which was held on  
15 December 6, 2007;

16 WHEREAS, the parties have agreed to attend mediation in this matter on January 10,  
17 2008;

18 WHEREAS, based on the scheduled hearing date for the Motion, Plaintiff would be  
19 required to file the Motion on or before January 4, 2008;

20 WHEREAS, the parties want to wait until after mediation for Plaintiff to file the Motion so  
21 as to avoid any unnecessary fees and costs in the event this matter is resolved through mediation;

22 WHEREAS, this will be the first request to continue the hearing on Plaintiff's Motion;

23 WHEREAS, the effect of the stipulated time modifications can be limited to a brief  
24 continuance of the hearing on the Motion to March 28, 2008, or a date thereafter which is  
25 convenient for the Court;

26 The parties hereto stipulate as follows:  
27  
28

STIPULATION

1. The hearing on Plaintiff's Motion to Supplement the Administrative Record shall be continued to March 28, 2008 or a date thereafter which is convenient for the Court.

2. Plaintiff's Motion, the District's Opposition and Plaintiff's Reply shall be filed pursuant to the deadlines set forth in the Local Rules of the Court.

THE PARTIES SO STIPULATE.

DATED: December 31, 2007

LEIGH LAW GROUP

By: /s/ Sarah Fairchild

Sarah Fairchild

Attorneys for Plaintiff E.M.

DATED: December 31, 2007

Respectfully submitted,

FAGEN FRIEDMAN & FULFROST, LLP

By: /s/ Kimberly A. Smith

Kimberly A. Smith

Attorneys for Defendant PAJARO VALLEY  
UNIFIED SCHOOL DISTRICT

I, Kimberly A. Smith, am the ECF User whose ID and password are being used to file this STIPULATED REQUEST FOR ORDER CHANGING TIME AND PROPOSED ORDER. In compliance with General Order 45, X.B., I hereby attest that Sarah Fairchild has concurred in this filing.

DATED: December 31, 2007

FAGEN FRIEDMAN & FULFROST, LLP

By: /s/ Kimberly A. Smith

Kimberly A. Smith

Attorneys for Defendant, PARAJO VALLEY  
UNIFIED SCHOOL DISTRICT

\*\*E-filed 1/4/08\*\*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

E.M. a minor, by and through his parents E.M.  
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CASE NO. C -06-04694 JF

**[PROPOSED] ORDER CHANGING TIME**

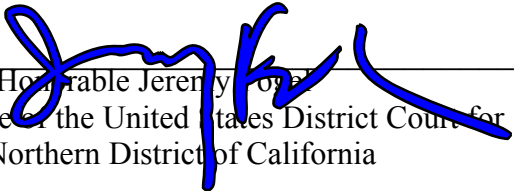
[Civil Local Rules 6-2; 7-12]

Pursuant to the Stipulated Request for Order Changing Time submitted by the parties to  
this action,

IT IS HEREBY ORDERED that the hearing on Plaintiff's Motion to Supplement  
Administrative Record be continued from February 8, 2008 to March 28, 2008.

IT IS SO ORDERED.

Dated: 1/4/08

  
The Honorable Jeremy  
Judge of the United States District Court for  
the Northern District of California